Software Rights Archive, LLC v. Google Inc. et al Doc. 237

EXHIBIT 1

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Charoensak v Apple Computer, Inc.   Depo of Somtai Charoensak   1-12-07

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CONDENSED TRANSCRIPT AND CONCORDANCE
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back my -- plug my iPOD back in. I wouldn't have access of putting it onto my computer. It would -- it's like somehow like locked. It even has like a little icon of a lock.
Q. I don't fully understand what you are saying so let me spend a little more time on it.
A. Okay.
Q. When you -- how many songs did this happen with?
A. Just the songs that I purchased from iTunes.
Q. So, approximately how many did you have this problem?
A. At the time, or?
Q. At the time.
A. I don't recall exactly.
Q. Up till today, how many songs have you had that problem with?
A. All the songs I've downloaded from iTunes.
Q. And how many are those?
A. I don't know the exact number.
Q. Approximately.
A. Approximately. I don't know the exact number, but I've given you the -- my purchase history and I'm sure...

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Q. But can you estimate for us approximately how many songs you've downloaded from iTunes?
A. Probably around between 100 and 300.
Q. And so the problem that you were experiencing when you were e-mailing with Ms. Wong was that the songs you had downloaded from Apple would play on your iPOD okay, but then when you tried to play them on the computer they wouldn't play; do I understand that correctly?
A. No. As long as I had my iPOD connected to my computer they'd play okay, but if I wanted to, let's say, burn a disk so that I could listen to the music in my car, I would not be able to do that. So the music that I downloaded from iTunes I wouldn't be able to transfer to any other media or play it on any other media besides my iPOD.
Q. So, just -- I want to take this piece by piece. As far as playing the music from Apple on your iPOD, you did not experience any problem; correct?
A. No. Actually, sorry, can I say? There -- there has been a couple of times when I don't know what it is, but the music that I play from iTunes it will not play sometimes on my iPOD, and I have to refresh it using the iTunes software. And then

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it will, I don't know, unlock the music again and then I can play it on my iPOD, so I have had problems playing iTunes music on the iPOD.
Q. Okay. Let's come back to that. Let's put that aside for a minute.
But the problem you were describing to Ms. Wong was -- didn't have anything to do with playing the music on the iPOD; correct?
A. No, it did not.
Q. So you're agreeing, it didn't have anything to do with it; right?
A. I'm sorry?
Q. Did the problem you were complaining to Ms. Wong about or discussing with Ms. Wong have anything to do with playing the music from Apple on your iPOD?
A. It didn't have any -- it didn't have -- I wasn't talking about the actual music coming out of my iPOD, no.
Q. Okay. What you were talking about instead was when you tried to burn the music that you had downloaded from Apple's Music Store onto a CD; correct?
A. Yes. Yes.
Q. And what problem were you experiencing

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when you tried to do that?
A. I -- I wasn't able to do it. That was the problem.
Q. How were you attempting to do it?
A. How I was attempting to do it was I plugged in my iPOD into iTunes. I could see the music there that I purchased, but when I would try to burn a disk of that music, it would not allow me at all.
Q. Go back a step. When you downloaded music from Apple's Music Store, iTunes Music Store, were you aware of what directory or what library it went to on your computer?
A. No, I was not aware.
Q. Have you ever looked at your library in the iTunes application on your computer?
A. Yes, I have.
Q. And does that library contain music that you have downloaded from Apple's Music Store?
A. Now, you mean?
Q. At any time.
A. At any time. Yes, it does. Initially, yeah.
Q. And then what happened?
A. Usually because I need -- well, at the